

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

MOSDOS CHOFETZ CHAIM INC.,

Debtor.

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**ORDER**

21-CV-05654 (PMH)

CONGREGANTS OF MOSDOS CHOFETZ  
CHAIM INC. a/k/a KIRYAS RADIN

v.

MOSDOS CHOFETZ CHAIM INC.,  
CHOFETZCHAIM INC., TBG RADIN LLC,  
SHEM OLAM, LLC, CONGREGATION  
RADIN DEVELOPMENT INC., ARYEH  
ZAKS, BEATRICE WALDMAN ZAKS,  
MENDEL ZAKS, GITTEL ZAKS LAYOSH,  
ELIYAHU LAYOSH, SAMUEL  
MARKOWITZ, DEBORAH ZAKS HILLMAN,  
YOM T. HENIG, STEVEN GREEN, DANIEL  
GREEN, ABRAHAM ZAKS, and STERLING  
NATIONAL BANK,

Defendants.

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PHILIP M. HALPERN, United States District Judge:

On September 10, 2021, Appellant filed a letter-motion requesting that the Court “hold an immediate conference at which” he could “request an emergency stay permitting [him] to preside and lead his congregation in services on the high Holy Day of Yom Kippur . . . and the following holy days of Simchat Torah and Succoth . . .” (Doc. 20 at 1). Appellant, in his letter-motion, requests specifically for the Court to stay (1) the Injunction Order,<sup>1</sup> (2) Contempt Order,<sup>2</sup> and (3)

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<sup>1</sup> Judge Drain issued an Injunction Order on May 24, 2021. (Adv. Proc. No. 21-7023, Doc. 22). He issued a modified Order on May 25, 2021. (*Id.*, Doc. 24). Appellant appeals from both orders in this action.

<sup>2</sup> On June 15, 2021, Judge Drain granted a motion for contempt of the May 25, 2021 Order against Appellant and others. (Adv. Proc. No. 21-7023, Doc. 54).

Enforcement Order<sup>3</sup> issued by Judge Drain in Adversary Proceeding No. 21-7023. (*Id.* at 3). That request is DENIED for the following reasons.

*First*, Appellant's application for stays of the Injunction and Contempt Orders have previously been denied. (*In re: Mosdos Chofetz Chaim Inc.*, No. 21-CV-02878, Apr. 13, 2021 Min. Entry; *see id.*, Doc. 46). He presents no new factual allegations to warrant a different result here.

*Second*, with respect to the Enforcement Order, the Order sought by Appellant would serve no purpose because a stay of that Enforcement Order would not achieve the practical relief that he seeks.

Accordingly, Appellant's request for an "immediate conference" to "request an emergency stay" is DENIED. (Doc. 20 at 1).

SO ORDERED:

Dated: White Plains, New York  
September 13, 2021



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Hon. Philip M. Halpern  
United States District Judge

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<sup>3</sup> On September 8, 2021, Judge Drain denied without prejudice a motion to enforce the Contempt Order. (Adv. Proc. No. 21-7023, Doc. 122).